

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS ALVAREZ-MEJIA,

Plaintiff,

vs.

CV F 05 0545 LJO WMW PC

ORDER FINDING COMPLAINT
STATES A COLORABLE CLAIM
AND DIRECTING PLAINTIFF
TO COMPLETE USM 285 FORM

D. CANO, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The court has screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it appears to state cognizable claims for relief under 42 U.S.C. § 1983 against defendants Cano on Plaintiff's allegation that he was retained in Administrative Segregation based upon his ethnicity. Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

D. CANO

2.. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the

1 first amended complaint filed June 29, 2007.

- 2 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the
- 3 attached Notice of Submission of Documents and submit the completed Notice to
- 4 the court with the following documents:
- 5 a. Completed summons;
- 6 b. One completed USM-285 form for Defendant Cano and
- 7 c. Two copies of the endorsed first amended complaint filed June 29, 2007.
- 8 4. Plaintiff need not attempt service on defendants and need not request waiver of
- 9 service. Upon receipt of the above-described documents, the court will direct the
- 10 United States Marshal to serve the above-named defendants pursuant to Federal
- 11 Rule of Civil Procedure 4 without payment of costs.
- 12 5. The failure to comply with this order will result in a recommendation that this
- 13 action be dismissed.

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18 IT IS SO ORDERED.

19 **Dated: March 3, 2008**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE